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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

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|--------------------------------|---|-----------------------------------|
| 11 UNITED STATES OF AMERICA, |) | No. CR 07-00788 JF (PVT) |
| |) | |
| 12 Plaintiff, |) | DECLARATION OF COUNSEL IN |
| |) | SUPPORT OF <i>EX PARTE</i> |
| 13 v. |) | APPLICATION FOR WAIVER OF |
| |) | PERSONAL APPEARANCE |
| 14 AMIT M. EZYONI, CHRISTOPHER |) | |
| SARIOL, et al., |) | Date: August 13, 2008 |
| |) | Time: 10:00 a.m. |
| 15 Defendants. |) | Honorable Jeremy Fogel |

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17 I, Lara S. Vinnard, declare:

- 18 1. I am an Assistant Federal Public Defender, and I have been assigned to represent
19 defendant Christopher Sariol in the above-captioned matter.
- 20 2. Mr. Sariol lives in Florida. Because the appearance on August 13, 2008 is a status
21 hearing, he has requested that his personal presence be waived. The cost and time
22 of traveling to San Jose would create a hardship on Mr. Sariol for a hearing in
23 which his presence is not necessary.
- 24 3. Under F.R.Cr.P. 43(c), a defendant need not be present when the proceeding
25 involves only a conference or hearing upon a question of law.
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4. Accordingly, I respectfully request that the Court grant Mr. Sariol's request to be excused from the August 13, 2008 hearing.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed August 11, 2008, at San Jose, California.

/s/ _____
LARA S. VINNARD
Assistant Federal Public Defender